

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker, Angel, and Cooper attending. Councilman Rueger was not present. Others attending were Attorney Funkhouser; Supt. Gray; Chief Webber; Sgt. Allyn; Supt. Givens; Acting St. Comm. Miller; Vicki Peerman; Larry Williams; Belinda Jones; Betty Johnson; Jim O'Connor - Countrymark; Paula Rudibaugh; Tiffani Eisenhut - Mount Vernon Democrat; Jennifer McGilvray - FOX 7 News; and Jamie Grabert - Posey County News.

Mayor Knowles called the meeting to order by stating members were mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Angel moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Board should approach the podium and stated their name and the nature of their business

Mayor Knowles requested action on the claims presented.

Councilman Cooper moved the claims presented be allowed for payment. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

*****CLAIMS*****

Water Operating & Maintenance \$ 71,338.75

Mayor Knowles stated they will now hear the report of the Water Superintendent.

Supt. Gray reported that the city did indeed have their third boil order in four years over the Thanksgiving holiday. He stated the department received a bad shipment of Deplac 2020, as it turned from a liquid to what resembles snow. He then stated it then gummed up and turned to a solid in the tanks. He added this actually happened on Sunday and they had been running on their reserves, at which time they simply ran out of good, clean water. He stated the NTU's were above acceptable levels, they increased the amount of chlorine they use and then issued the boil order. He added they had been making good water when the chemical pumps failed, both of them, which then meant they had to extend the boil order. He stated Evansville's lab volunteered to read the city's samples and both sets came back

clean. He then stated the company that sold them the Delpac will be down on Friday to tell the city what happened with the chemical.

Supt. Gray then stated he really needs permission to go back to the old fashioned pumps, they are more reliable, though he is not sure of the cost, probably less than \$5,000, he is sure.

Councilman Cooper asked if Supt. Gray thought the pumps failed due to the powder ?

Supt. Gray replied Gordon Jeffries actually discovered the problem when he was washing his hands, they turned "gluey". He added he feels the strain of that substance actually burnt them out. He then asked if there were any questions ?

Councilwoman Askren asked if Supt. Gray has had a chance to analyze what was produced ?

Supt. Gray replied not really. He then stated on December 5 - 7 there is a conference in Columbus, IN that he would like to attend, for his continuing education units. He added he will also need to stay overnight. He then stated he feels that Bob Martin will be reinstated as well on his license, they scrambled to get this done. He added there is also another conference in April they probably need to attend. He then stated he has had another employee to pass the test (Hansen) and they actually have to have four certified operators to please IDEM,

Mayor Knowles added they could get by on three, but four would be best.

Supt. Gray agreed.

Mayor Knowles agreed they do need a back up.

Councilman Cooper then moved Supt. Gray be permitted to attend, use the city credit card and take city vehicle, with Bob Martin attending, if he can. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Attorney Funkhouser asked if the Board would like for him to issue a letter to the chemical company ?

Councilman Cooper replied no, they should hold off until after Friday's meeting and see what happens there.

Mayor Knowles asked if there were any questions?

There were none.

Mayor Knowles stated they have the Financial Report for October before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated on the Legal portion of the Agenda is possible action on the filter bids from a previous meeting.

Attorney Funkhouser stated he feels, as per his letter, they should reject all the bids. He added that Clerk-Treasurer Wolfe mentioned that bid bond may not have been late after all, but regardless, it was not included in the sealed bid.

Councilman Cooper moved the Board readvertise for bids for the filtration system.
Seconded by Councilman Angel.

Mayor Knowles asked if there was any discussion and then stated that SRF says that normally a permit is issued from IDEM first, then there is the advertisement for bids for the equipment.

Attorney Funkhouser stated he looked into that as well, and the Mayor is correct, IDEM issues the permit and then the advertising takes place. He added IDEM had issues with the procedure, not legal issues, though. He then stated Mr. Jackson of MAI may have had his own reason for doing it this way, but there is risk involved.

Mayor Knowles stated the Board wanted to use the SRF money for this project so the Board may want to get the permit first from IDEM.

Attorney Funkhouser stated he can talk with Mr. Jackson about that.

Councilman Cooper replied the Board had talked with him today and he indicated MAI proceeded the same way they had on the last two or three projects they did for the city. He stated in that way, they get an idea of the dollar amount before any money is spent on anything.

Mayor Knowles stated the only problem with that is the equipment company will not tell the Board if the equipment will work or not, that is the engineer that does that. She added SRF is wanting numbers on the NTU's in the effluent from the lamella plate settlers, they don't have that and need a firmer number than what they have. She stated, for arguments sake, say the NTU's are 76 and the equipment company says the equipment is out of warranty because it guaranteed 50 to 75 NTU's, that would not be good. She added that is a similar problem with what they have experienced with the KROFTA's, as they were not designed for use on a river.

Supt. Gray stated he has been logging those figures now, but they are not using the chemical recommended, therefore, the readings are not accurate. He added they are getting readings between 30 and 50 now, when the turbidity is high.

Attorney Funkhouser again stated that neither bid was responsive.

Mayor Knowles stated if there were no further discussion, she will ask for a roll call vote.

Clerk-Treasurer Wolfe called the roll, as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilman Cooper then moved all bids be rejected, as they were not responsive. Seconded by Councilman Angel.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Attorney Funkhouser stated the only other legal item he has is in the water update meeting earlier, they had discussed landlords/tenants and outstanding bills. He added the tenant is responsible but the ordinance does not say if the utility can go after the landlord for any unpaid bills.

Mayor Knowles replied the question had been brought to her from a constituent. She stated as it stands now, the landlord does not get a copy of the utility bills for their tenants and she feels it would be unfair to go after the landlord when he had no knowledge. She added Attorney Funkhouser is going to look into it.

Attorney Funkhouser stated when water is shut off, in order to get the water back on, the landlord should pay up to current.

Mayor Knowles added again that she feels that is not fair if the landlord is unaware bill is being racked up. She added the Board could decide to bill both parties bill, that would be fine with her.

Councilman Tucker stated he thought this had been addressed way back when. He added the tenant is responsible for the bill, if they move out, the bill will be paid. He added he thought the landlord was to pay.

Mayor Knowles stated she is not sure if that is legal.

Attorney Funkhouser added he can look into it.

Mayor Knowles again stated it does not seem fair.

Councilman Angel stated he is not sure they should go after the landlord at all.

Mayor Knowles agreed and added they need to find a middle ground to be fair.

Attorney Funkhouser stated maybe they do not do a good enough job of going after the bill owners.

Supt. Gray stated he will check with Hoosier Accounts tomorrow, the company they turn delinquent accounts over to.

Attorney Funkhouser stated that would be an alternative to going after the landlord.

Mayor Knowles stated she feels they should go after whoever is using the service.

Councilman Cooper stated Attorney Funkhouser can check on the landlord's responsibility, the possibility of double billing, etc., and also if there might possibly be a privacy issue.

Attorney Funkhouser stated he does think privacy issues would enter into this, there are no privacy rights there.

Councilman Tucker stated the duplicate bill could be sent to the landlord without the name, address only.

Mayor Knowles suggested they table for now.

Attorney Funkhouser stated the next issue he has is the settlement agreement with CSX on the lawsuit. He added it is ready for signatures.

Councilman Cooper moved Board accept the settlement agreement and authorize Mayor Knowles to sign same and Attorney Funkhouser may dismiss the case. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

There was none.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Cooper moved the meeting be adjourned. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer